

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to definitions of categories**

The Natural Resource Commission (Commission) hereby amends Chapter 112, “Hunting Preserves,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6) and 484B.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 484B.1 and 484B.3(1).

*Purpose and Summary*

Chapter 112 contains rules governing hunting preserves. This rule making amends rule 571—112.1(484B), which provides definitions of terms used in Chapter 112, including the term “ungulate.” “Ungulate” is also defined in Iowa Code chapter 484B, “Hunting Preserves,” and an inconsistency currently exists between the definition in the rule and the statutory definition. Because the definition of “ungulate” affects what species may be kept and hunted on a hunting preserve, this inconsistency risks confusion for hunting preserve licensees and hunters. This rule making adopts the statutory definition by reference and thereby resolves the inconsistency and ensures that Department of Natural Resources (Department) permitting and enforcement practices conform to state law.

Rule 571—112.1(484B) also provides a definition of the term “game birds.” This same term is defined in Iowa Code chapter 484B. 2021 Iowa Acts, House File 747, which was signed by Governor Reynolds on April 30, 2021, and took effect July 1, 2021, included an amendment to the statutory definition of “game birds.” The current definition in the rule differs from the recently amended statutory definition. This rule making adopts the statutory definition by reference and thereby avoids any inconsistencies.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6143C**. A public hearing was held on February 2, 2022, at 1:30 p.m. via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on April 14, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

### *Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on June 8, 2022.

The following rule-making action is adopted:

Amend rule **571—112.1(484B)**, definitions of “Game birds” and “Ungulate,” as follows:

“*Game birds*” means ~~pen-reared birds of the family gallinae and mallard ducks~~ the same as defined in Iowa Code section 484B.1(5).

“*Ungulate*” means ~~pen-reared, hoofed, nondomesticated mammal (big game)~~ the same as defined in Iowa Code section 484B.1(10).

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